

Not for Publication

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

Plaintiff,

v.

QAWEE MCQUEEN,

Defendant.

Crim. No. 16-286

OPINION & ORDER

John Michael Vazquez, U.S.D.J.

This matter comes before the Court by way of Defendant Qawee McQueen's motion to modify his sentence and for immediate compassionate release. D.E. 34. And it

APPEARING that the First Step Act, 18 U.S.C. § 3582(c)(1)(A), requires a defendant to exhaust his administrative remedies before seeking relief in court; and it further

APPEARING that Defendant indicates that he made a request for release to the warden of the facility where he is incarcerated and the warden denied the request. D.E. 34 at 2. However, Defendant does not attach any record of his request or the denial. D.E. 34-1; and it further

APPEARING that the Government indicates that legal counsel for the Bureau of Prisons conducted a search and found no evidence of Defendant's request. D.E. 35 at 2; and it further

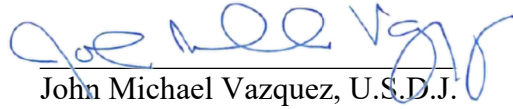
APPEARING that although the Government filed its opposition on December 30, 2022, that to date Defendant has not provided proof of his request for release.

For the foregoing reasons, and for good cause shown,

It is on this 11th day of April 2023 hereby

ORDERED that Defendant's motion for compassionate release, D.E. 34, is **DENIED** **without prejudice** for failure to exhaust administrative remedies; and it is further

ORDERED that the Clerk's Office shall mail a copy of this Order to Defendant by regular mail.



John Michael Vazquez, U.S.D.J.